

REMARKS

Status of the Claims

Claims 1-16 and 18-21, and 27-34 are pending in this application. The Office Action rejected all pending claims as follows:

- Claims 1, 3-7, 10, 12-16, 18, 20-21, 27, and 31-34 stand rejected under 35 U.S.C. §102(e) as allegedly anticipated by U.S. Patent No. 6,049,390 to Notredame *et al.* (“Notredame”);
- Claim 8 stands rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Notredame in view of U.S. Patent No. 5,555,475 to Perowne (“Perowne”);
- Claims 2, 11, 29, and 30 stand rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Notredame in view of U.S. Patent No. 4,495,116 to Patton, III *et al.* (“Patton”);
- Claim 19 stands rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Notredame in view of U.S. Patent No. 5,983,243 to Heiney (“Heiney”); and
- Claims 9 stands rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Notredame in view of Perowne, and further in view of Heiney.

In view of the following remarks, reconsideration and withdrawal of all grounds of objection and rejection are respectfully requested.

Claim Objection

The Office Action correctly noted that there was no claim 17 in the present application. Claim 17 was inadvertently omitted due to a numbering error. For clarity of the record, Applicants hereby cancel claim 17 in the present application.

Claim Rejections under §102(e)

Claims 1, 3-7, 10, 12-16, 18, 20-21, 27, and 31-34 stand rejected under 35 U.S.C. §102(e) as allegedly anticipated by Notredame. Applicants submit herewith a declaration under 37 C.F.R. §1.131 establishing conception and reduction to practice of the subject matter of claims 1-16, 18-21, and 27-34 prior to the filing date of Notredame, and respectfully request that all rejections under 35 U.S.C. §102(e) be withdrawn at least because Notredame does not qualify as a prior art reference to the pending claims. See M.P.E.P. §715.

Specifically, as stated in M.P.E.P. §706.02(f), “35 U.S.C. §102(e) allows for certain prior art to be applied against the claims as of its effective U.S. filing date.” Applicants respectfully submit that Notredame, filed on November 5, 1997, is not prior art under 35 U.S.C. §102(e), because Applicants conceived and reduced to practice the subject matter of claims 1-16, 18-21, and 27-34 at least as early as July 10, 1997, and no later than October 29, 1997, i.e. prior to Notredame’s effective filing date.

Claim Rejections under §103(a)

Applicants respectfully submit that all rejections under 35 U.S.C. §103(a) should be withdrawn as well, at least because, without Notredame, the remaining references fail to render Applicants’ claims obvious.

In particular, Perowne, Patton, and Heiney, either alone or in proper combination, do not teach or suggest every element of independent claims 1, 10, and 20, or claims 2-9, 11-16, 18-19, 21, and 27-34 that depend from them. As previously explained in the Amendment and Response filed on October 8, 2000, in connection with U.S.S.N. 09/089,861, of which the present application is a continuation, the imaging systems and methods claimed by Applicants are patentably distinct from Perowne, Patton, and Heiney, because none of these references teach or suggest a print drive with either the job control system or the user interface, as claimed by Applicants. Applicants’ print drive is uniquely positioned in the pre-press workflow to allow selection and combination of raster data by a system operator after images have been processed by a raster image processor.

Thus, Applicants respectfully submit independent claims 1, 10, and 20, and dependent claims 2-9, 11-16, 18-19, 21, and 27-34, are patentable.

CONCLUSION

In view of the foregoing, Applicants respectfully request reconsideration, withdrawal of the rejections, and allowance of all claims in due course. If the Examiner believes that a telephone conference with Applicants' attorney would be helpful, the Examiner is invited to contact the Applicants' attorney at the number below.

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Respectfully submitted,



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APPENDIX A